

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/12/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANHATTAN SAFETY MAINE, INC. et al.,

Plaintiffs,

-against-

BOWEN et al,

Defendants.

1:19-cv-05642-MKV-VF

ORDER

MARY KAY VYSKOCIL, United States District Judge:

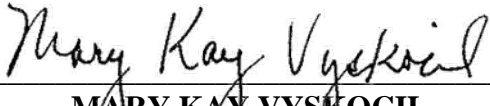
On June 17, 2019, this action was filed to recover proceeds payable from a settlement of a state court derivative litigation. [ECF Nos. 1, 5]. A related bankruptcy petition was filed in the Western District of Texas and subsequently transferred to the Southern District of New York. Thereafter this action was stayed on consent of the parties pursuant to § 362 of the Bankruptcy Code. [ECF Nos 60, 62, 67, 69, 71].

On October 8, 2024, Plaintiffs' counsel filed a letter requesting that the stay be lifted. [ECF No. 78]. Shortly thereafter, Defendants' counsel filed a letter in opposition arguing that the stay should not be lifted because there is a motion, seeking a determination as to whether the above-captioned action is subject to the automatic stay, that has yet to be adjudicated by the Bankruptcy Court. [ECF No. 79].

Accordingly, IT IS HEREBY ORDERED that Plaintiffs, as the party requesting that the stay be lifted, shall file a motion with the Bankruptcy Court seeking a comfort order that makes clear that the automatic stay does not apply to this action and that this case can proceed.

SO ORDERED.

Date: November 12, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge